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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/552,415	04/19/2000	Adam Petrovich	856	3397

23704 7590 02/23/2005
SYMBOL TECHNOLOGIES INC
LEGAL DEPARTMENT
ONE SYMBOL PLAZA
HOLTSVILLE, NY 11742

EXAMINER

LEE, SEUNG H

ART UNIT PAPER NUMBER

2876

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/552,415

Applicant(s)

PETROVICH ET AL.

Examiner

Seung H. Lee

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34,36-49,57 and 63-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34,36-49,57 and 63-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01 December 2004 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 10, 13, 14, 16-18, 31, 33, 39, 43, 44, 47, 48, 57, 64, 65, 66, 67, 69, 72, 73, 75, and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertagna et al. (US 5,057,677, of the record)(hereinafter referred to as 'Bertagna') in view of Sherman et al. (US 6,189,788, of the record)(hereinafter referred to as 'Sherman').

Bertagna teaches a system having a merchandise storage cart (36) or a movable housing, a portable transaction-monitoring unit (PTMU) (28) serves as host computer wherein the PTMU removeably connected to the cart by an interface (98) also serves as

a cradle interface, connected to data bus (94) for acquiring transaction information such as barcode data from the memory device (90) of the carts, a CPU (88) serves a controller, the PTMU also having a display (62) and a IR link (76) for communicating information over a wireless communication network for up-loading and/or downloading data and the application program to and from a central computing unit (18) of the storage cart, keys on a keypad (64) for providing a data entry and facilitate various transaction function, at least on peripheral device such as a printer (106) attached to the cart and coupled to the PTMU by the data bus for conveying transaction information and related information to or from the user, rollers (86) are attached to the bottom of the cart (36) for facilitating the movement and positioning of the station, storage area or catering truck for storing an article for sale, a scanner (74) for reading bar code wherein the scanner is constructed and arranged with the PTMU, a battery (92) for powering the device, the IR also provides a communication to the cart and printer, the PTMU receiving information from a magnetic strip card reader (66) (see Figs. 1, 3-6; col. 2, lines 40-col. 3, lines 17; col. 4, line 52- col. 6, line 2; col. 6, line 52-col. 7, line 30; col. 8, lines 38-65; col. 9, line 38-col. 10, line 30; col. 10, line 57- col. 11, line 30).

However, Bertagna fails to particularly teach or fairly suggest that the portable transaction unit is communicating with an external central computer wirelessly via wireless radio over the wireless communication network.

Sherman teaches a data collection device (10) comprising a removable terminal or a data collection terminal (14) in which the data collection device is communicating with a external data devices such as a host computer via a wireless means whether the

data collection device is docked or undocked using radio frequency transceiver (see Figs. 1, 2, 8, 10; col. 4, lines 33- col. 6, line 54; col. 10, line 51- col. 11, line 26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Sherman to the teachings of Bertagna in order to provide a well-known method of centralized inventory system for storing/recording each and every transaction record in the central computer or the host computer due to the fact that for employing such centralized inventory system, operator(s) can analyze inventories/transactions in any given time without downloading transaction data from every portable devices. Moreover, such modification would provide an improved security for downloading the each and every transaction record when the transaction is occurred in which prevent the accidental loss of data at the each portable terminal. Furthermore, such modification (i.e., utilizing a magnetic stripe card reader) would provide a convenience system for user(s)/operator(s) since user(s)/operator(s) can use his/her credit/debit cards, magnetically encoded card, to purchases goods/services therewith. Furthermore, such modification (i.e., using wireless radio for transmitting information instead of IR link) would provide an improved communication system wherein the wireless radio communication does not require direct point view point from the transmitting device to the receiving device as required by IR link communication system.

4. Claims 3-5 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertagna as modified by Sherman as applied to claim 1 above, and in view of Miller et al. (US 5,202,825, of the record)(hereinafter referred to as 'Miller').

The teachings of the Bertagna/Sherman have been discussed above.

Although, Bertagna/Sherman teaches the tendering station, they fail to teach or fairly suggest that the tendering station include a top surface for mounting at least one peripheral device.

However, miller teaches a mobile customer service station (40) having a printer (46) mounted on the top of the station and having a top surface in which can be used as an item handling area, and a cash drawer (43) (see Fig. 1; col. 8, lines 16-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Miller to the teachings of Bertagna/Sherman in order to provide an user-friendly system wherein operator(s) can handle merchandises on the top of the mobile carts. Also, such modification would provide a convenient system by having a printer as peripheral device attached on the to of the mobile carts wherein the operator(s) can print out receipts and render receipts to customer(s). Moreover, such modification would provide a security for storing the valuable notes such as cash into the drawer. Furthermore, such modification would provide an improved cash management of the mobile station since all the sales revenue can be verified using only cash drawer with each mobile station. Although, Bertagna as modified by Miller fail to particularly teach that the drawer is storing the credit receipt, it would have been an obvious to one of ordinary skill in the art at the time the invention

was made to store the credit receipt as well as cash in the cash drawer since the sales amount of credit receipts are also summed to total sales amount.

5. Claims 6 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertagna as modified by Sherman as applied to claims 1 and 31 above, and in view of Swartz et al. (US 5,594,228, of the record)(hereinafter referred to as 'Swartz').

The teachings of the Bertagna/Sherman have been discussed above.

Although, Bertagna/Sherman teaches the tendering station, they fail to teach or fairly suggest that the tendering station include a tag remover for removing tags or labels from an item.

However, Swartz teaches the magnetic decoupler (166) for removing the tags from an item (see col. 17, line 15 - 21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the magnetic decoupler or tags removers as taught by Swartz to the teachings of Bertagna/Sherman in order to provide the secure removals of the alarm tags on the item (i.e., clothes) without damaging the goods. Also, such modification (i.e., attached a surveillance tag on the item) would reduce the pilfering at the retail shops.

6. Claims 7, 8, 11, 12, 32, 34, 36, 41, 42, 68, 70, and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertagna as modified by Sherman, and

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further in view of Modiano et al. (US 5,670,768, of the record)(hereinafter referred to as 'Modiano').

The teachings of Bertagna/Sherman have been discussed above.

However, Bertagna/Sherman fails to teach or fairly suggest that the cart includes at least one handle.

Modiano teaches the trolley (60) having a handle for maneuvering the carts, a display (32) attached therewith, a card reader (30), a keypad (36) (see Figs. 1 and 2; col. 3, lines 18-35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Modiano to the teachings of Bertagna/Sherman in order to provide an improved and an enhanced system wherein operator(s) can use a card reader for reading the magnetic card (i.e., credit card and/or debit card) at the site of selling. Moreover, such modification would provide an alternative method of reading the credit/debit card number by entering the credit/debit card number using the keypad in case of malfunctioning of the card reader.

7. Claims 9 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertagna as modified by Sherman as applied to claims 1 and 31 above, and further in view of Postrel et al. (US 6,003,008, of the record)(hereinafter referred to as 'Postrel').

The teachings of the Bertagna/Sherman have been discussed above.

Although, Bertagna/Sherman teaches the tendering station having a display and a communication links, however, Bertagna fails to teach or fairly suggest that the

display device include an adjustable support attached to the housing and a computer program providing power management of the customer service station.

Postrel teaches that the display (36) includes an adjustable support (39) attached to the housing (25) and the computer program to manage the power supply (see col. 10, line 31 - 51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of the Postrel to the teachings of Bertagna/Sherman in order to provide a user-friendly system by adjusting an angle of the display wherein the operator(s)/customer(s) can view clear and/or sharp image/text on the display device. Furthermore, such modification (i.e., the tendering station programmed to manage the power supply) would provide efficient system for managing of the power source of the terminal (i.e., notification of the power drain).

8. Claims 15 and 37, 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertagna as modified by Sherman as applied to claims 1 and 31 above, and further in view of Ju et al. (US 5,811,774, of the record)(hereinafter referred to as 'Ju').

The teachings of the Bertagna/Sherman have been discussed above.

Although, Bertagna/Sherman teaches the tendering station having a transceiver for a wireless communication, they fail to teach or fairly suggest that the wireless communication system include a telephone headset.

However, Ju teaches the telephone headset (115) for the wireless communication system (see col. 12, line 58 - 67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the telephone headset as taught by Ju to the teachings of Bertagna/Sherman in order to provide an oral communication between personnel at the central terminal and personnel at the portable station. Moreover, such modification would provide the better customer service by eliminating the necessary time to visit the central terminal to verify the information that the customer requested.

9. Claims 19, 49, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertagna as modified by Sherman as applied to claims 1, 31, and 64 above, and further in view Talati et al. (US 5,903,878, of the record)(hereinafter referred to as 'Talati').

The teachings of the Bertagna/Sherman have been discussed above.

Although, Bertagna/Sherman teaches the tendering station having a display, they fail to teach or fairly suggest that the station include an Internet browser.

However, Talati teaches the transaction system capable of displaying the Internet browser (see col. 12, lines 20 - 46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Internet browser as taught by Talati to the teachings of the Bertagna/Sherman in order to provide easier retrieving of the pricing and/or inventory information from the central database. Also, such modification would provide the easy access of the inventory information of the remote located retail shops for checking sold-out items or special order.

10. Claims 20, 21, 23, 24, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertagna as modified by Sherman, and further in view of Modiano.

The teachings of Bertagna/Sherman have been discussed above.

The teachings of Modiano have been discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the notoriously old and well-known monitor of the mobile carts as taught by Modiano to the teachings of Bertagna/Sherman in order to provide an user-friendly system wherein operator(s)/customer(s) can verify the transaction information with monitor attached to the mobile terminal. Although, Bertagna as modified by Modiano teaches the PTMU is capable of wireless communication function, they fail to particularly teach that the wireless communication is occurred using a wireless radio. However, it would have been an obvious engineering variation well within the ordinary skill in the art failing to provide any unexpected results for choosing the wireless radio for communication system therein.

11. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bertagna as modified by Sherman and Modiano as applied to claim 20 above, and further in view of Ju.

The teachings of the Bertagna/Sherman/Modiano have been discussed above.

The teachings of the Ju have been discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the telephone headset as taught by Ju to the teachings of Bertagna/Sherman/Modiano in order to provide an oral communication between personnel at the central terminal and personnel at the portable station. Moreover, such modification would provide the better customer service by eliminating the necessary time to visit the central terminal to verify the information that the customer requested.

12. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bertagna as modified by Sherman and Modiano as applied to claim 20 above, and further in view of Miller and Swartz.

The teachings of the Bertagna/Sherman/Modiano have been discussed above.

The teachings of the Miller have been discussed above.

The teachings of the Swartz have been discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Miller and Swartz to the teachings of Bertagna/Sherman/Modiano in order to provide the secure removals of the alarm tags on the item (i.e., clothes) without damaging the goods. Also, such modification (i.e., attached a surveillance tag on the item) would reduce the pilfering at the retail shops. Furthermore, such modification would provide a security for storing the valuable notes such as cash into the drawer. Moreover, such modification would provide an improved cash management of the mobile station since all the sales revenue can be verified using

only cash drawer with each mobile station. Although, Bertagna as modified by Sherman and Miller fail to particularly teach that the drawer is storing the credit receipt, it would have been an obvious to one of ordinary skill in the art at the time the invention was made to store the credit receipt as well as cash in the cash drawer since the sales amount of credit receipts are also summed to total sales amount.

13. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bertagna as modified by Sherman and Modiano as applied to claim 20 above, and further in view of Bernard et al. (US 5,918,213)(hereinafter referred to as 'Bernard').

The teachings of the Bertagna/Sherman/Modiano have been discussed above.

Although, Bertagna/Sherman/Modiano teaches the tendering station, Bertagna/Sherman/Modiano fail to teach or fairly suggest that the station include a computer program for assisting to a customer by identifying customer preferences and inventory availability.

However, Bernard teaches the computer program for identifying customers preferences (col. 3, line63- col. 4, line 7; col. 6, lines 11-29) and inventory availability (col. 24, lines 29-41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the computer program as taught by Bernard to the teachings of the Bertagna/Sherman/Modiano in order to provide better customer service by supplying the special option/discount to the specific customers based on the customer(s) preferences who are eligible for certain benefits (i.e., discounted

goods/services, promotions based on customer(s) region). Also, such modification would increase the sales amount by sales person informing customers for special goods on sale or promotion based on customer previous purchasing pattern by retrieving the customer purchasing history from the central database system.

14. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bertagna as modified by Sherman and Modiano as applied to claim 20 above, and further in view of Postrel.

The teachings of the Bertagna/Sherman/Modiano have been discussed above.

The teachings of the Postrel have been discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of the Postrel (i.e., the tendering station programmed to manage the power supply) to the teachings of Bertagna/Sherman/Modiano in order to provide efficient system for managing of the power source of the terminal (i.e., notification of the power drain).

15. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bertagna as modified by Sherman and Modiano as applied to claim 20 above, and further in view Talati.

The teachings of the Bertagna/Sherman/Modiano have been discussed above.

The teachings of the Talati have been discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Internet browser as taught by Talati to the teachings of the Bertagna/Sherman/Modiano in order to provide easier retrieving of the pricing and/or inventory information from the central database. Also, such modification would provide the easy access of the inventory information of the remote located retail shops for checking sold-out items or special order.

16. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bertagna as modified by Sherman as applied to claim 31 above, and further in view of Bernard.

The teachings of the Bertagna/Sherman have been discussed above.

The teachings of the Bernard have been discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the computer program as taught by Bernard to the teachings of the Bertagna/Sherman in order to provide better customer service by supplying the special option/discount to the specific customers based on the customer(s) preferences who are eligible for certain benefits (i.e., discounted goods/services, promotions based on customer(s) region). Also, such modification would increase the sales amount by sales person informing customers for special goods on sale or promotion based on customer previous purchasing pattern by retrieving the customer purchasing history from the central database system.

17. Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bertagna as modified by Sherman, and further in view of Saliga (US 5,397,884, of record).

The teachings of the Bertagna/Sherman have been discussed above.

Although, Bertagna/Sherman teaches the tendering station, they fail to teach or fairly suggest that the tendering station determines an authorization hierarchy.

However, Saliga teaches a key (44) containing an access code in which the access code determines the level of accessing levels (e.g., a maintenance level, a managerial level, etc.) (see Fig. 1; col. 6, lines 17-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the well know hierarchical access control mode as taught by Saliga to the portable system (i.e., a PTMU) of Bertagna/Sherman in order to provide an improved and an enhanced system for assigning each and every user with particular privileges, that is, a sales personnel can have a privilege of conducting transactions of the items whereas a store manage can have a privileges of generating daily sales report, overriding pending transactions, etc. accordingly.

18. Claim 74 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bertagna as modified by Sherman as applied to claim 64 above, and further in view of Bernard et al. (US 5,918,213)(hereinafter referred to as 'Bernard').

The teachings of the Bertagna/Sherman have been discussed above.

The teachings of the Bernard have been discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the computer program as taught by Bernard to the teachings of the Bertagna/Sherman in order to provide better customer service by supplying the special option/discount to the specific customers based on the customer(s) preferences who are eligible for certain benefits (i.e., discounted goods/services, promotions based on customer(s) region). Also, such modification would increase the sales amount by sales person informing customers for special goods on sale or promotion based on customer previous purchasing pattern by retrieving the customer purchasing history from the central database system.

Response to Arguments

19. Applicant's arguments filed 01 December 2004 have been fully considered but they are not persuasive.

In response to the applicant argument that *"Thus, both Bertagna and Sherman fail to show, teach or suggest, a tendering or customer service station in which magnetic stripe card information read by a reader and responses to the card information are transmitted via wireless radio to an external computer..."* (see page 18, 11+), the Examiner respectfully disagrees with the applicant wherein Sherman discloses a well known radio frequency communication for receiving/transmitting information. Therefore, it would have been an obvious to one of ordinary skill in the art at the time the invention

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was made to substitute the IR link of Bertagna with the radio communication device of Sherman for improved communication capability as discussed in paragraph 3 above.

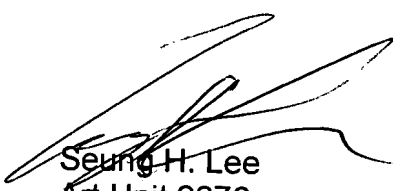
In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been an obvious to one of ordinary art at the time the invention was made to realize that the each and every user can be assigned with particular access code wherein each access code have different level of privileges. Therefore, it would have been an obvious to combine such well known access code with different levels of privileges to access system of Saliga to the system of Bertagna/Sherman, that is, user can have different levels of operating mobile terminal using radio data communication according to each and every user assigned privilege as taught by Saliga.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seung H. Lee whose telephone number is (571) 272-2401. The examiner can normally be reached on Monday-Friday, 7:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Seung H. Lee
Art Unit 2876
February 22, 2005